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Attorney for Plaintiff  
Hao Xu

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Hao Xu ) Case No. C 07-3383 PVT  
)  
)  
)  
)  
)  
Plaintiffs, ) [PROPOSED] ORDER ON MOTION FOR  
) SUMMARY JUDGMENT  
)  
v. )  
)  
Alberto Gonzales\*, United States Attorney )  
General, U.S. Department of Justice; )  
Michael Chertoff, Secretary of the Department )  
of Homeland Security; )  
Emilio T. Gonzalez, Director of United States )  
Citizenship and Immigration Services; )  
)  
)  
Defendants. )  
)  
)

The Court finds that the Defendants have a clear, non-discretionary duty to adjudicate Plaintiff's I-485 within a reasonable time under both the Mandamus and Administrative

\* Alberto Gonzales resigned from his post as Attorney General on September 17, 2007. Peter D. Keisler is currently the Acting United States Attorney General.

[PROPOSED] ORDER ON MOTION FOR SUMMARY JUDGMENT  
Case No. C 07-3383 PVT

1 Procedures Acts. This Court further finds that three years is an unreasonable length of time as a  
2 matter of law for the adjudication of an I-485, *Application to Register Permanent Residence or*  
3 *Adjust Status.*

4 Accordingly, it is hereby ORDERED that:

- 5 1. Plaintiff's Motion for Summary Judgment is GRANTED.
- 6 2. Defendants' Motion for Summary Judgment is DENIED.
- 7 3. Defendants shall complete adjudication of Plaintiff's I-485 Applications within 60  
8 days of this order.
- 9 4. The Court shall retain jurisdiction over this matter for a period of 120 days to ensure  
10 compliance with this order.

11 This case is CLOSED. IT IS SO ORDERED

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13 Dated:

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16 Patricia V. Trumbull  
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18 United States Magistrate Judge  
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